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of an operably linked heterologous nucleic acid sequence in a plant cell wherein said promoter nucleotide sequence has at least 95% identity to 18 sequential nucleotides of the cassava vein mosaic virus (CsVMV) promoter shown in SEQ ID NO 3 (pA).

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8. (Twice Amended) A vector comprising a promoter nucleotide sequence that is capable of initiating transcription of an operably linked heterologous nucleic acid sequence in a plant cell wherein said promoter nucleotide sequence has at least 95% identity to 18 sequential nucleotides of the cassava vein mosaic virus (CsVMV) promoter shown in SEQ ID NO 3 (pA) and is operatively linked to a heterologous nucleic acid sequence.

Please enter new claims 16 - 24 as follows:

16. (New Claim) An isolated nucleic acid molecule, comprising: a CsVMV promoter nucleotide sequence that initiates transcription of an operably linked heterologous nucleic acid sequence in a plant cell.

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17. (New Claim) The isolated nucleic acid molecule of claim 16, wherein the CsVMV promoter nucleotide sequence comprises SEQ ID NO:3 or a fragment thereof having promoter activity.

18. (New Claim) The isolated nucleic acid molecule of claim 16, wherein the CsVMV promoter nucleotide sequence comprises SEQ ID NO:3.

19. (New Claim) The isolated nucleic acid molecule of claim 16, wherein the CsVMV promoter nucleotide sequence comprises CVP1.

20. (New Claim) The isolated nucleic acid molecule of claim 16, wherein the CsVMV promoter nucleotide sequence comprises CVP2.

21. (New Claim) The isolated nucleic acid molecule of claim 16, wherein the CsVMV promoter nucleotide sequence is selected from the group consisting essentially of pA, pB, pC, pD, and pE.

22. (New Claim) The isolated nucleic acid molecule of claim 16, wherein the CsVMV promoter nucleotide sequence is selected from the group consisting essentially of: pAB, pAC, pAD1, pAD2, pAD3, pADE1, pADE2, pADE3 and pAE.

23. (New Claim) A promoter nucleotide sequence as set forth in SEQ ID NO:3, or a fragment thereof having promoter activity.

24. (New Claim) The promoter nucleotide sequence of claim 23, wherein the promoter activity comprises initiating transcription of an operably linked heterologous nucleic acid sequence in a plant cell.

REMARKS

Claims 1 and 8 have been amended. Claims 10-15 were canceled by way of an amendment filed December 13, 2001. New claims 16-24 are added herein by way of the present amendment. Therefore, claims 1-9 and 16-24 are currently pending. Attached hereto is Appendix I which is the marked-up version showing the changes made to claims 1 and 8. No new matter has been added.

Support for the amendment to claim 1 and claim 8 can be found in the specification at page 16, lines 13-28, for example.